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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,329	03/14/2001	Alan Taylor	55,085-CIP (18102)	3854

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SUSAN SHAMAS  
MANAGER OF TECH CONTRACTS & INTELL PROPERTY  
LEGAL DEPT GTECH CORP  
55 TECHNOLOGY WAY  
W. GREENWICH, RI 02817

EXAMINER

ASHBURN, STEVEN L

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 12/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/808,329	TAYLOR ET AL.	
	Examiner	Art Unit	
	Steven Ashburn	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

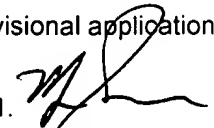
- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2,3</u> . | 6) <input type="checkbox"/> Other: _____                                    |

  
**MARK SAGER**  
**PRIMARY EXAMINER**

## ***DETAILED ACTION***

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features must be shown or the features canceled from the claims:

Claim 11: Free space.

Claim 12: Instructions for using the lottery ticket in conjunction with any one of a plurality of lottery-type drawing events which instructions are disposed on the reverse side of the ticket.

Claim 14: Method step of selecting some but not all of a plurality of panels as a playing panel for each game; revealing a plurality of playing game pieces disposed on the at least one lottery ticket wherein the plurality of playing game pieces revealed includes only those concealed playing game pieces that are disposed in at least one array comprising a plurality of panels; randomly selecting a plurality of winning game pieces; and determining whether any of the at least one lottery tickets is a winning lottery ticket.

Claim 22: Method step of having some but not all of the plurality of winning game pieces being selected from each of the unique sub-populations of playing game pieces designated for each of the plurality of panels selected.

Claim 25: Method step of selecting one or more discrete panels and more than one of the plurality of playing game pieces are revealed so that the lottery ticket can be used for more than one drawing event, which drawing events involve separate selection of winning game pieces and separate determination of whether the lottery ticket is a winning lottery ticket.

Claim 26: A random selection device. Drawing event designation. Method step of the random selection device selecting a plurality of winning game pieces.

Claim 29: A drawing event designation comprising a unique combination of three playing panels.

Claims 20 and 33: A total population of playing game pieces. A unique sub-population of playing game pieces. Method step of designating a unique sub-population of playing game pieces selected from a total population of playing game pieces so that each unique sub-population of playing game pieces is disposed as the playing game pieces in only one of the plurality of panels; authenticating the validity of the lottery ticket and awarding a prize for each winning game ticket.

Claim 31: Method step of awarding a prize for any lottery ticket that is a winning lottery ticket.

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No new matter should be entered. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. In regards to the method claims, a flow chart illustrating the steps of the process would be acceptable.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-5, 26-28, 31 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Quinlan, U.S. Patent 5,671,921 (Sep. 30, 1997) (hereinafter “*Quinlan*”).**

*Quinlan* discloses a lottery ticket system. As listed below, the reference teaches all the following features claim:

Claims 1 and 26:

- a. Substrate having an obverse and reverse side. *See fig. 1-5; col. 3:52-4:46.*
- b. Plurality of playing pieces which are disposed on the obverse side of the lottery ticket in at least one array comprising a plurality of panels, each of the panes comprising a number of playing game pieces. *See id.*
- c. Removable material having a surface that is disposed over, so as to conceal the plurality of playing game pieces wherein a plurality of unique indicia is deposed on the durfce of the removable material so that each of the plurality of unique indicia corresponds to only one of the plurality of panels. *See id.*

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- d. A drawing event designation. *See fig. 1*
- e. A random selection device wherein the random selection device selects a plurality of winning game pieces. *See fig. 1; col. 2:21-33.*

Claim 2: Plurality of playing game pieces comprises a series of integers. *See fig. 5; col. 4:12-21.*

Claims 3, 4, 27: Number of playing game pieces in each of the plurality of panels is at least three wherein the panels are revealed by removing removable material. *See fig. 3-5; col. 4:12-21.*

Claim 5: Number of playing game pieces in each of the plurality of panels is four. *See fig. 5; col. 4:12-21.*

Claim 28: Panels are consecutive panels. *See fig. 1-5.*

Claim 31: A prize is awarded for any lottery ticket that is a winning lottery ticket. *See col. 4:56-60.*

Claim 32: A lottery ticket is a winning lottery ticket if a combination of winning game pieces matches at least one combination of revealed playing game pieces so that at least three of the revealed game playing pieces adjoin horizontally. *See fig. 1-5.*

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Quinlan*.**

*Quinlan* teaches all the features of the claim except one of the plurality of game pieces comprising a free space. The examiner interprets “free space” to mean a game indicia which can be combined with any other game indicia to complete a predetermined winning combination; for example, jokers or wild cards. Regardless of the deficiency, this feature was known in the art at the time of the invention and would have been obvious to an artisan.

It is notoriously well known in the art of gaming to include outcomes, such as free spaces, wild cards or jokers, that can be combined with any other game indicia to complete a predetermined winning combination with fewer winning outcomes. For example, a slot machine outcome of “7-7-Wild” would payout an award for the equivalent outcome a predetermined winning combination of “7-7-7”. In further example, a poker outcome of “Ace-Ace-Wild-Ten-Two” would payout for a predetermined winning combination “three of a kind”. Likewise, in a bingo game, a free space may be combined with other random outcomes to complete a predetermined winning combination. Thus, free spaces, wild cards or jokers enhance a game’s excitement by giving player’s a greater chance of completing winning combinations.

Consequently, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Quinlan*, wherein players are paid awards for outcomes comprised of predetermined

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winning combinations, to add the feature of one of the plurality of game pieces comprising a free space to enhance a game's excitement by giving player's a greater chance of completing winning combinations.

**Claims 6-10, 14-18, 20-24, 29, 30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quinlan in view of Kamille, U.S Patent 5,855,514 (Jan 5, 1999) (hereinafter "*Kamille*").**

Claims 6 and 14: *Quinlin* teaches all the features of the claims except said the combination of playing panels comprising some but not all of the plurality of panels. Regardless of the deficiencies, these features were known in the art at the time of the invention and would have been obvious to an artisan.

*Kamille* teaches that is was known the art to have players pick some but not all selections from a set of selections to control the odds of picking a winning selection and thereby controlling the game's expected payout. *See col. 1:56-2:3*. For example, in the case of a lottery ticket, picking three or four selections from a set of five possible selections. Notably, having players pick selections increases the player's excitement by relating the game result to the player's choice.

Consequently, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Quinlin*, wherein a player reveals a set of game panel, to add the feature of revealing some but not all of the plurality of panels to control the game's expected payout and increase players' excitement.

Claims 7, 15 and 16: *Quinlan* teaches all of a plurality of playing game pieces disposed in at least three of the plurality of panels is revealed. *See fig. 1-5*.

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Claims 8 and 18: *Quinlan* teaches having at least three of the plurality of panels being consecutive. *See fig. 1-5.*

Claims 9: *Quinlan* teaches all of the plurality of playing game pieces disposed in three of the plurality of panels are revealed. *See fig. 1-5.*

Claim 10: *Quinlan* discloses games which three or five panels are revealed. *Quinlin* further suggests that the game may be varied to various configurations, graphics and symbols. Hence, it suggest a game where four panels of the plurality of panels are revealed.

Claim 19: *Quinlan* teaches a plurality of playing game pieces are revealed by removing a removable material that is disposed over, so as to conceal, the plurality of playing game pieces. *See fig. 1-5.*

Claims 20 and 33: *Kamille* teaches designating a unique sub-population of playing game pieces selected from a total population of playing game pieces so that each unique sub-population of playing game pieces is disposed as the playing game pieces in only of the plurality of panels; authenticating the validity of the lottery ticket and awarding a prize for each winning game ticket. *See fig. 4a; col. 11:65-16:5.*

Claims 21 and 23: *Kamille* teaches having the number of winning game pieces selected being equal to the number of game pieces reveled. *See fig. 16-19.*



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Claim 22: *Kamille* teaches having some but not all of the plurality of winning game pieces being selected from each of the unique sub-populations of playing game pieces designated for each of the plurality of panels selected. *See fig. 4(a)(b), 7(b); 7:17-9:46.*

Claim 24: *Kamille* teaches having a ticket be a winning lottery ticket if a combination of winning game pieces matches a combination of revealed playing game pieces in the playing panel so that at least three of the revealed playing game pieces adjoin horizontally. *See fig. 1-5.*

Claims 29 and 30: *Kamille* teaches having the drawing event designation comprises a unique combination of three or four playing panels. *See fig. 4(a)(b); col. 8:66-9:27.*

**Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts, U.S. Patent 5,772,510 (Jun 30, 1998) (hereinafter “Roberts”).**

*Quinlan* additionally teaches a lottery ticket further comprising a name of a lottery-type event, indicia of ownership and intellectual property rights of the owner or sponsor of the game. *See fig. 1-5; col. 3:52-65.* However the reference lacks (i) instructions for using the lottery ticket in conjunction in any one of a plurality of lottery-type drawing events where instructions are disposed on the reverses side of the ticket; (ii) a day of the week and time during which the lottery-type drawing event takes place; (iii) playing life of the lottery ticket; and (iv) means for authenticating the lottery ticket. Regardless of the deficiencies, these features were known in the art at the time of the invention and would have been obvious to an artisan.

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*Roberts* discloses a system for providing lottery tickets allowing players to purchase a ticket for play at a later time. In particular regards to the claim, the reference teaches (i) instructions for using the lottery ticket in conjunction in any one of a plurality of lottery-type drawing events where instructions are disposed on the reverses side of the ticket; (ii) a day of the week and time during which the lottery-type drawing event takes place; (iii) playing life of the lottery ticket; and (iv) means for authenticating the lottery ticket. *See fig. 2(a)(b)(c), 8(a)(b).*

In view of *Roberts*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Quinlan* to add the features of (i) instructions for using the lottery ticket in conjunction in any one of a plurality of lottery-type drawing events where instructions are disposed on the reverses side of the ticket; (ii) a day of the week and time during which the lottery-type drawing event takes place; (iii) playing life of the lottery ticket; and (iv) means for authenticating the lottery ticket to allow players to purchase a ticket for play at a later time and thereby increase revenues by allowing a greater number of players to participate by purchasing tickets at their convenience.

**Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Quinlan* in view of *Roberts*, as applied to claim 12 above, in further view of *Fults et al.*, U.S. Patent 5,788,237 (Aug. 4, 1998) (hereinafter “*Fults*”).**

In regards to claim 13: *Roberts* additionally discloses a coded validation symbol comprising a plurality of lines of varying thickness that can be read by a reader wherein the coded validation symbol is unique to each lottery ticket and a batch control number. *See fig. 2(a)(b)(c), 8(a)(b).* Thus, the combination of *Quinlan* and *Roberts* teaches all the features of the claim except a concealed validation symbol that is disposed on the lottery ticket wherein each of the plurality of panels is associated with a unique verification symbol that is revealed along with the playing game pieces. Regardless of the

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deficiencies, these features were known in the art at the time of the invention and would have been obvious to an artisan.

*Fults* discloses an analogous lottery ticket wherein panels are opened by a player to reveal a plurality of playing game pieces. *See fig. 1-4*. In particular, some panels are associated with a unique verification symbol that is revealed along with the playing game pieces to increase the security of the system by providing an additional means of verification for winners of large instant win awards. *See fig. 4; col. 4:545:10*.

In view of *Fults*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the lottery ticket described by the combination of *Quinlan* and *Roberts* to add the feature of a concealed validation symbol that is disposed on the lottery ticket wherein each of the plurality of panels is associated with a unique verification symbol that is revealed along with the playing game pieces increase the security of the system by providing an additional means of verification.

Claim 17: *Quinlan* discloses games which three or five panels are revealed. *Quinlin* further suggests that the game may be varied to various configurations, graphics and symbols. Hence, it suggest a game where four panels of the plurality of panels are revealed.

**Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Quinlan* in view of *Kamile*, as applied to claims 6-10, 14-18, 20-24, 29, 30 and 33 above, in further view of *Scrymgeour et al.*, U.S. Patent 6,347,794 B2 (Feb 19, 2002) (hereinafter "*Scrymgeour*").**

Claim 25: The lottery ticket system suggested by the combination of *Quinlan* and *Kamile* teaches all the features of the claims except selecting one or more discrete panels and more than one of the

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plurality of playing game pieces are revealed so that the lottery ticket can be used for more than one drawing event, which drawing events involve separate selection of winning game pieces and separate determination of whether the lottery ticket is a winning lottery ticket. Regardless of the deficiencies, these features were known in the art at the time of the invention and would have been obvious to an artisan.

*Scrymgeour* discloses an analogous lottery ticket having a plurality of discrete game panels having a plurality of playing game pieces that are revealed so that the lottery ticket can be used for more than one drawing event, which drawing events involve separate selection of winning game pieces and separate determination of whether the lottery ticket is a winning lottery ticket. *See fig. 6, 7.*

In view of *Scrymgeour*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify lottery ticket system suggested by the combination of *Quinlan* and *Kamile*, to add the feature of selecting one or more discrete panels and more than one of the plurality of playing game pieces are revealed so that the lottery ticket can be used for more than one drawing event, which drawing events involve separate selection of winning game pieces and separate determination of whether the lottery ticket is a winning lottery ticket to enhance the utility of the lottery ticket by offering more than one game on a single ticket and thereby make the ticket more attractive to players.

### ***Conclusion***

The following prior art of record is not relied upon but is considered pertinent to applicant's disclosure: Walker et al., U.S. Patent 6,250,685 B1 (Jun. 26, 2001) discloses lottery tickets including wild cards and free spaces.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be

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reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9302 for regular communications and 703 872 9303 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1078.

S.A.  
December 5, 2002

A handwritten signature in black ink, appearing to read 'MS', with a long horizontal flourish extending to the right.

MARK SAGER  
PRIMARY EXAMINER